

REMARKS

This Amendment is submitted in response to the Office Action dated March 27, 2003, having a shortened statutory period set to expire June 27, 2003. Claims 1-2 and 5-8 are pending. Applicants have amended Claim 2 and canceled Claims 3 and 4.

Election/Restrictions

In section 1 of the present Office Action, restriction to one of the two inventions is required as set out by the Examiner. Applicants elect Group I, Claims 1-2, and 5-8, with traverse, and withdraw Claims 3 and 4 without prejudice. Applicants traverse the restriction requirement because a search for each group is not different and is co-extensive.

Specification

The specification has been amended to correct various typographical and grammatical errors. In addition, Applicant has amended the abstract of the disclosure to overcome the Examiner's objection.

Claim Rejections -- 35 U.S.C. § 103

In section 8 of the present Office Action, Claims 1-2, and 5-8 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over *Logue et al.*, hereinafter "*Logue*" (US Patent No. 5,935,207), in view of *Lee et al.*, hereinafter "*Lee*" (US Patent No. 6,466,970). This rejection is respectfully traversed and reconsideration of claims is requested.

Applicants respectfully submit that the rejection of Claims 1-2, 5-8 under Section 103 is improper pursuant to the provisions of 35 U.S.C. § 103(c). The present application was filed on September 12, 2000, which is after November 29, 1999, and has been rejected in view of 35 U.S.C. § 102(e)/103 prior art, which was commonly owned or assigned at the time the invention was made (see M.P.E.P. § 706.02(1)(1)). *Lee* qualifies as prior art only under Section 102(e) because *Lee* is a patent granted on an application for a patent by another filed in the United States before the invention by the Applicants. As the Examiner will note by reference to the *Lee* patent and to the assignment records for the present application, both were commonly owned by International Business Machines Corporation at the time the claimed invention was made.

Consequently, pursuant to 35 U.S.C. § 103(c), *Lee* cannot preclude patentability under Section 103(a), and does not support the present rejection of Claims 1-2, and 5-8.

In light of the above, Applicants believe that the present rejection is not applicable to the claims, and that all other objections and rejections have been overcome. Therefore, a Notice of Allowance of the claims now pending in the present application is respectfully requested.

Respectfully submitted,



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